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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,921	10/27/2001	Senthil Kumar	REIM-0002	2210
27964	7590	09/22/2006	EXAMINER	
HITT GAINES P.C. P.O. BOX 832570 RICHARDSON, TX 75083			VAN BRAMER, JOHN W	
		ART UNIT	PAPER NUMBER	
			3622	

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/035,921	KUMAR ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	John Van Bramer	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 October 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. Claims 8-14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims, as currently written, lack usefulness. Claim 8 recites the steps of providing a media player, an advertisement, and a tracking subsystem as part of a method for manufacturing a media and advertisement player. The steps are directed to providing pieces that could be assembled at some point. However, the claimed pieces are never made operational and never interact with one another. They are simply parts waiting for assembly and once assembled have the capability to interact with one another as claimed.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 2-7 recites the limitation "The player". There is insufficient antecedent basis for this limitation in the claim. Claim 1 from which these claims depend identifies both a media player and an advertisement player. It is unclear as to which player claims 2-7 are directed towards.

### ***Claim Rejections - 35 USC § 102***

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102  
that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by  
Radziewicz et al (U.S. Patent Number: 5,854,897).

Claim 1. Radziewicz discloses a media and advertisement player, comprising:

- a. A media player that receives media from a remote system via said computer network and plays said media in response to customer requests. (Col 5, line 43 through Col 6, line 12; and Col 7, line 55 through Col 8, line 15)
- b. An advertisement player that receives advertisements and a corresponding advertising schedule from said remote system via said computer network and plays said advertisements according to said advertising schedule. (Col 7, lines 18-54)
- c. A tracking subsystem that generates as-run logs containing records of a playing of said media and said advertisements and transmits said as-run logs to said remote system via said computer network. (Col 9, lines 24-41)

Claim 2. Radziewicz discloses the player as recited in claim 1 further comprising a display that presents a graphical user interface. (Col 5, lines 22-42)

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Claim 3. Radziewicz discloses the player as recited in claim 2 wherein said graphical user interface has a skin that is received from said remote system via said computer network. (Col 5, line 43 through Col 6, line 12)

Claim 4. Radziewicz discloses the player as recited in claim 2 wherein said display is touch-sensitive. (Col 12, lines 23-45)

Claim 5. Radziewicz discloses the player as recited in claim 1 wherein said advertising schedule is dependent upon plays of said media. (Col 23, lines 17-32)

Claim 6. Radziewicz discloses the player as recited in claim 1 further comprising a personal computer, said media and said advertisements being stored on a hard disk drive of said personal computer. (Col 5, lines 7-20; and Col 5, line 43 through Col 6, line 12)

Claim 7. Radziewicz discloses the player as recited in claim 1 wherein said computer network is the Internet. (Col 4, lines 49-67)

Claim 8. Radziewicz discloses a method of manufacturing a media and advertisement player, comprising:

- a. Providing a media player subsystem that receives media from a remote system via said computer network and plays said media in response to customer

requests. (Col 5, line 43 through Col 6, line 12; and Col 7, line 55 through Col 8, line 15)

- b. Providing an advertisement player subsystem that receives advertisements and a corresponding advertising schedule from said remote system via said computer network and plays said advertisements according to said advertising schedule. (Col 7, lines 18-54)
- c. Providing a tracking subsystem that generates as-run logs containing records of a playing of said media and said advertisements and transmits said as-run logs to said remote system via said computer network. (Col 9, lines 24-41)

Claim 9. Radziewicz discloses the method as recited in claim 8 wherein said media player subsystem and said advertisement player subsystem employ a display that presents a graphical user interface. (Col 5, lines 22-42)

Claim 10. Radziewicz discloses the method as recited in claim 9 wherein said graphical user interface has a skin that is received from said remote system via said computer network. (Col 5, line 43 through Col 6, line 12)

Claim 11. Radziewicz discloses the method as recited in claim 9 wherein said display is touch-sensitive. (Col 12, lines 23-45)

Claim 12. Radziewicz discloses the method as recited in claim 8 wherein said

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advertising schedule is dependent upon plays of said media. (Col 23, lines 17-32)

Claim 13. Radziewicz discloses the method as recited in claim 8 further comprising providing a personal computer, said media and said advertisements being storable on a hard disk drive of said personal computer. (Col 5, lines 7-20; and Col 5, line 43 through Col 6, line 12)

Claim 14. Radziewicz discloses the method as recited in claim 8 wherein said computer network is the Internet. (Col 4, lines 49-67)

Claim 15. Radziewicz discloses a method of playing media and advertisements and reporting the playing of the media and advertisements to a remote system, comprising:

- a. Receiving media from a remote system via a computer network. (Col 5, line 43 through Col 6, line 12; and Col 7, line 55 through Col 8, line 15)
- b. Receiving advertisements and a corresponding advertising schedule from said remote system via said computer network. (Col 7, lines 18-54)
- c. Playing said media in response to customer requests. (Col 5, line 43 through Col 6, line 12; and Col 7, line 55 through Col 8, line 15)
- d. Playing said advertisements according to said advertising schedule. (Col 7, lines 18-54)

- e. Generating as-run logs containing records of a playing of said media and said advertisements. (Col 9, lines 24-41)
- f. Transmitting said as-run logs to said remote system via a computer network. (Col 9, line 24 through Col 10, line 29)

Claim 16. Radziewicz discloses the method as recited in claim 15 wherein said customer requests are received via a graphical user interface on a display. (Col 5, lines 22-42)

Claim 17. Radziewicz discloses the method as recited in claim 16 wherein said graphical user interface has a skin, said method further comprising receiving said skin from said remote system via a computer network. (Col 5, line 43 through Col 6, line 12)

Claim 18. Radziewicz discloses the method as recited in claim 16 wherein said display is touch-sensitive. (Col 12, lines 23-45)

Claim 19. Radziewicz discloses the method as recited in claim 15 wherein said advertising schedule is dependent upon plays of said media. (Col 23, lines 17-32)

Claim 20. Radziewicz discloses the method as recited in claim 15 further comprising storing said media and said advertisements on a hard disk drive of a personal

computer. (Col 5, lines 7-20; and Col 5, line 43 through Col 6, line 12)

Claim 21. Radziewicz discloses the method as recited in claim 15 wherein said computer network is the Internet. (Col 4, lines 49-67)

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mandeberg et al. (U.S. Patent Number: 6,038,545) discloses a similar method for the transmission and display of multimedia objects and advertisements on a remote system.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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